

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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| IN RE: Michael Schnitzel Debtor Northern Star Mortgage Fund, LLC Movant vs. Michael Schnitzel Debtor William C. Miller, Esq. Trustee | | CHAPTER 13 NO. 18-15143 AMC 11 U.S.C. Section 362 |
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**MOTION OF NORTHERN STAR MORTGAGE FUND, LLC
FOR RELIEF FROM THE AUTOMATIC STAY
UNDER SECTION 362**

1. Movant is Northern Star Mortgage Fund, LLC.
2. Debtor is the owner of the premises located at 12215 Medford Road, Philadelphia, PA 19154, hereinafter referred to as the mortgaged premises.
3. Movant is the holder of a mortgage, original principal amount of \$123,000.00 on the mortgaged premises that was executed on November 15, 2007. Said mortgage was recorded on November 28, 2007 at Document ID #51815055 in Philadelphia County, Pennsylvania. The Mortgage was subsequently assigned to Movant by way of Assignment of Mortgage recorded on January 24, 2019, at Document number 53469745 in Philadelphia County. Documentation attached hereto as Exhibit A is provided in support of right to seek a lift of stay and foreclose if necessary.
4. William C. Miller, Esq., is the Trustee appointed by the Court.
5. The commencement and/or continuation of the mortgage foreclosure proceedings by reason of non-payment of monthly mortgage payments were stayed by the filing of a Chapter 13 Petition in Bankruptcy by the Debtor.
6. Debtor has failed to make the monthly post-petition mortgage payments in the amount of \$819.73 each for the months of September 2018 through April 2019 and \$836.48 for the month of May 2019, with monthly late charges at \$25.60 each.
7. The total amount necessary to reinstate the loan post-petition is \$7,624.72.

8. Debtor is currently delinquent in plan payments to the Chapter 13 Trustee in the amount of \$642.00.

9. Movant is entitled to relief from the automatic stay for cause pursuant to 11 U.S.C. §362(d).

10. This motion and the averments contained therein do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the mortgage and applicable law.

WHEREFORE, Movant prays that an Order be entered modifying the Stay and permitting Movant to proceed with its mortgage foreclosure on the mortgaged premises, and to allow the Sheriff's Grantee to take any legal action to enforce its right to possession of the mortgage premises. Further, Movant prays that an Order be entered awarding Movant the costs of this suit, reasonable attorney's fees in accordance with the mortgage document and current law together with interest.

/s/ Kevin G. McDonald, Esquire

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